

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

EARNEST ROBINSON,
ADC #79431

PLAINTIFF

v.

4:05CV01005HLJ

RANDY JOHNSON, et al.

DEFENDANTS

ORDER

This matter is before the Court on the motion to withdraw, filed by plaintiff's Court-appointed attorney, James Haddock (DE #73), and on plaintiff's motions to dismiss appointed attorney and appoint new counsel (DE ##75, 76).

This Court appointed Mr. Haddock as plaintiff's attorney by Order dated March 6, 2006 (DE #61). In support of his motion to withdraw, Mr. Haddock states that plaintiff is upset with his representation of him and of his willingness to release plaintiff's medical records to the defendants, and refuses to cooperate with Mr. Haddock in any further matters. In his motion to dismiss his attorney, plaintiff disagrees with motions Mr. Haddock filed in this case and also with allowing defendants to review his medical records. Defendants have filed a response in opposition to the motions, stating that Mr. Haddock has performed his job diligently, and that to appoint new counsel at this juncture will cause unneeded delay in the litigation of this case, which is set for trial in January, 2007.

Having reviewed the file in this matter, it is apparent that Mr. Haddock performed his job diligently and proceeded at all times in a reasonable manner. However, the Court is aware of plaintiff's refusal to cooperate with Mr. Haddock, and will not require Mr. Haddock to continue this appointment under those conditions. Therefore, the Court will grant Mr. Haddock's motion to

withdraw and the plaintiff's motion to appoint new counsel. However, plaintiff is hereby placed on notice of his responsibility and duty to cooperate with any future counsel, and of the fact that this is the last occasion on which this Court will appoint new counsel pursuant to plaintiff's motion. In addition, if in the future plaintiff refuses to cooperate with the new counsel, he may be required to proceed pro se in this matter. Accordingly,

IT IS, THEREFORE, ORDERED that the motion to withdraw, filed by attorney James Haddock (DE #73) is hereby GRANTED.

IT IS FURTHER ORDERED that plaintiff's motions to dismiss appointed attorney and appoint new counsel (DE ##75, 76) are hereby GRANTED. New counsel will be appointed by separate Order.

IT IS FURTHER ORDERED that plaintiff's request to grant himself co-counsel status (DE #76) is hereby DENIED.

IT IS SO ORDERED this 10th day of October, 2006.



United States Magistrate Judge